

62-22
TREATY SERIES, No. 511½

AGREEMENT

EFFECTED BY EXCHANGE OF NOTES BETWEEN

THE UNITED STATES

AND

JAPAN

Declaring Their Policy in
the Far East

SIGNED NOVEMBER 30, 1908



WASHINGTON
GOVERNMENT PRINTING OFFICE
1921

[The Japanese Ambassador to the Secretary of State.]

IMPERIAL JAPANESE EMBASSY,
Washington, November 30, 1908.

Sir:

The exchange of views between us, which has taken place at the several interviews which I have recently had the honor of holding with you, has shown that Japan and the United States holding important outlying insular possessions in the region of the Pacific Ocean, the Governments of the two countries are animated by a common aim, policy, and intention in that region.

Believing that a frank avowal of that aim, policy, and intention would not only tend to strengthen the relations of friendship and good neighborhood, which have immemorially existed between Japan and the United States, but would materially contribute to the preservation of the general peace, the Imperial Government have authorized me to present to you an outline of their understanding of that common aim, policy, and intention:

1. It is the wish of the two Governments to encourage the free and peaceful development of their commerce on the Pacific Ocean.
2. The policy of both Governments, uninfluenced by any aggressive tendencies, is directed to the maintenance of the existing status quo in the region above mentioned and to the defense of the principle of equal opportunity for commerce and industry in China.
3. They are accordingly firmly resolved reciprocally to respect the territorial possessions belonging to each other in said region.
4. They are also determined to preserve the common interest of all powers in China by supporting by all pacific means at their disposal the independence and integrity of China and the principle of equal opportunity for commerce and industry of all nations in that Empire.
5. Should any event occur threatening the status quo as above described or the principle of equal opportunity as above defined, it remains for the two Governments to communicate with each other in order to arrive at an understanding as to what measures they may consider it useful to take.

If the foregoing outline accords with the view of the Government of the United States, I shall be gratified to receive your confirmation.

I take this opportunity to renew to Your Excellency the assurance of my highest consideration.

K. TAKAHIRA

Honorable ELIHU ROOT,
Secretary of State.

[*The Secretary of State to the Japanese Ambassador.*]

DEPARTMENT OF STATE,
Washington, November 30, 1908.

Excellency:

I have the honor to acknowledge the receipt of your note of to-day setting forth the result of the exchange of views between us in our recent interviews defining the understanding of the two Governments in regard to their policy in the region of the Pacific Ocean.

It is a pleasure to inform you that this expression of mutual understanding is welcome to the Government of the United States as appropriate to the happy relations of the two countries and as the occasion for a concise mutual affirmation of that accordant policy respecting the Far East which the two Governments have so frequently declared in the past.

I am happy to be able to confirm to Your Excellency, on behalf of the United States, the declaration of the two Governments embodied in the following words:

1. It is the wish of the two Governments to encourage the free and peaceful development of their commerce on the Pacific Ocean.
2. The policy of both Governments, uninfluenced by any aggressive tendencies, is directed to the maintenance of the existing status quo in the region above mentioned, and to the defense of the principle of equal opportunity for commerce and industry in China.
3. They are accordingly firmly resolved reciprocally to respect the territorial possessions belonging to each other in said region.
4. They are also determined to preserve the common interests of all powers in China by supporting by all pacific means at their disposal the independence and integrity of China and the principle of equal opportunity for commerce and industry of all nations in that Empire.
5. Should any event occur threatening the status quo as above described or the principle of equal opportunity as above defined, it remains for the two Governments to communicate with each other in order to arrive at an understanding as to what measures they may consider it useful to take.

Accept, Excellency, the renewed assurance of my highest consideration.

ELIHU ROOT

His Excellency
BARON KOGORO TAKAHIRA,
Japanese Ambassador.

THE COVENANT OF THE LEAGUE OF NATIONS

ARTICLE 10.

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the League. In case of any such aggression or in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled.

ARTICLE 12.

The members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

In any case under this Article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

ARTICLE 13.

The Members of the League agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration.

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.

THE COVENANT OF THE LEAGUE OF NATIONS

ARTICLE 13.

The Members of the League agree that they will carry out in full good faith any awards that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

ARTICLE 15.

If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary General, who will make all necessary arrangements for a full investigation and consideration thereof.

For this purpose the parties to the dispute will communicate to the Secretary General, as promptly as possible, statements of their case, with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

The Council shall endeavour to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

THE COVENANT OF THE LEAGUE OF NATIONS

ARTICLE 15.

Any Member of the League represented on the Council may make a public statement of the facts of the dispute and of its conclusions regarding the same.

If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

If the dispute between the parties is claimed by one of them, and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendations as to its settlement.

The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within fourteen days after the submission of the dispute to the Council.

In any case referred to the Assembly, all the provisions of this Article and of Article 12 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly if concurred in by the Representatives of those Members of the League represented on the Council and of a

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THE COVENANT OF THE LEAGUE OF NATIONS

ARTICLE 15.

majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

ARTICLE 22.

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory.

THE COVENANT OF THE LEAGUE OF NATIONS.

ARTICLE 22.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of the conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of the territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate, the mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

THE COVENANT OF THE LEAGUE OF NATIONS

ARTICLE 23.

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:

- (a) will endeavour to secure and maintain fair and humane conditions of labour for men, and women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations;
- (b) undertake to secure just treatment of the native inhabitants of territories under their control;
- (c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;
- (d) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;
- (e) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind;
- (f) will endeavour to take steps in matters of international concern for the prevention and control of disease.

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太平洋方面ニ於ケル島嶼タル島地及島嶼タル領地
ニ關スル亞米利加合衆國、英帝國、佛蘭西國及日
本國間ノ條約

大正十年（一九二一年）十二月十三日華盛頓ニ於
テ署名調印

（追加協定ハ大正十年二月六日署名調印）

大正十一年（一九二二年）八月五日批准

大正十二年（一九二三年）八月十七日華盛頓ニ於
テ批准書寄託

同	年	同	月	同	日	公	布
同	年	同	月	同	日	實	施

亞米利加合衆國、英帝國、佛蘭西國及日本國ハ
一般ノ平和ヲ確保シ且太平洋方面ニ於ケル其ノ島
嶼タル島地及島嶼タル領地ニ關スル其ノ權利ヲ維
持スルノ目的ヲ以テ
之カ爲條約ヲ締結スルコトニ決シ左ノ如ク其ノ全
體委員ヲ任命セリ

（全體委員名簿）

右各委員ハ互ニ其ノ全體委任狀ヲ示シ之カ良好妥
當ナルヲ認メタル後左ノ如ク協定セリ

第一條

締約國ハ互ニ太平洋方面ニ於ケル其ノ島嶼タル屬地及島嶼タル領地ニ關スル其ノ權利ヲ尊重スベキコトヲ約ス

締約國ノ何レカノ間ニ如何ナル太平洋問題ニ起因シ且前記ノ權利ニ關スル爭議ヲ生シ外交手段ニ依リテ満足ナル解決ヲ得ルコト能ハス且其ノ間ニ幸ニ現存スル國籍ナル協約ニ影響ヲ及ホスノ虞アル場合ニ於テハ右締約國ハ共同會議ノ爲他ノ締約國ヲ招請シ當該事件全部ヲ考慮調整ノ目的ヲ以テ其ノ議ニ付スヘシ

第二條

前記ノ權利カ別國ノ侵略的行爲ニ依リ脅威セララルニ於テハ締約國ハ右特殊事態ノ急ニ應スル爲共同ニ又ハ各別ニ孰ルヘキ最有效ナル措置ニ關シ諒解ヲ達ケムカ爲充分ニ且隨意ナク互ニ連絡スヘシ

第三條

本條約ハ實施ノ時ヨリ十年間効力ヲ有シ且右期間満了後ハ十二月前ノ豫告ヲ以テ之ヲ終了セシムル各締約國ノ權利ノ留保ノ下ニ引續キ其ノ効力ヲ有ス

第四條

本條約ハ締約國ノ憲法上ノ手續ニ從ヒ成ルヘク速

Doc 173 Corr copy 1.2

第一條

締約國ハ互ニ太平洋方面ニ於ケル其ノ島嶼タル屬地及島嶼タル領地ニ關スル其ノ權利ヲ尊重スベキコトヲ約ス

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第四條

本條約ハ締約國ノ憲法上ノ手續ニ從ヒ成ルヘク速

Doc 173 Corr Copy p.3

ニ批准セラルヘク且華盛頓ニ於テ行ハルヘキ批准
書寄託ノ時ヨリ實施セラルヘシ之ト同時ニ千九百
十一年七月十三日倫敦ニ於テ締結セラレタル大不
列原國及日本國間ノ協約ハ終了スルモノトス合衆
國政府ハ批准書寄託ノ詞書ノ認證書本ヲ全署名國
ニ送付スルモノトス

本條約ハ佛蘭西語及英吉利語ヲ以テ表現シ合衆國
政府ノ記録保管所ニ寄託保存セラレ且其ノ正當ナ
ル認證書本ハ同政府之ヲ各署名國ニ送付スルモノ
トス

右登録トシテ前記全權委員ハ本條約ニ署名ヲ爲シ
タリ

千九百二十一年十二月十三日華盛頓市ニ於テ之ヲ
作成セリ

(全權委員署名)

本日亞米利加合衆國、英帝國、佛蘭西國及日本國
間ノ條約ニ署名スルニ當リ各署名國ノ諒解及意圖
ハ左ノ如クナルコトヲ茲ニ聲明ス

一 本條約ハ太平洋ニ於ケル委任統治諸島ニ之ヲ
適用ス但シ本條約ノ締結ヲ以テ右委任統治ニ對
スル亞米利加合衆國ノ同意ト看做スコトヲ得ス
且亞米利加合衆國ト當該受任國トノ間ノ右委任

No. 173 Corr Copy 1.4

統治諸島ニ関スル協定ノ締結ヲ妨クルモノニ非
ス

二第一條第二項ニ掲クル爭議ハ國際法ノ原則ニ
依リ專ラ當該國ノ國內法權ニ屬スル問題ヲ含ム
モノト解スベカラス

千九百二十一年十二月十三日「ディストリクト、
オザ、コロンビア」章盛領

(以下署名)

Doc 173 Corr Copy 1.4

統治諸島ニ關スル協定ノ締結ヲ妨クルモノニ非
ス

二第一條第二項ニ揭クル爭議ハ國際法ノ原則ニ
依リ專ラ當該國ノ國內法權ニ屬スル問題ヲ含ム
モノト解スヘカラス

千九百二十一年十二月十三日「ディストリクト、
オザ、コロンビア」章盛領

(以下署名)

Doc 173 Cor. Copy No. 51

追加協定

亞米利加合衆國、英帝國、佛蘭西國及日本國ハ千九百二十一年十二月十三日華盛頓ニ於テ署名シタル四國條約ノ追加タル左ノ取極ヲ各其ノ全權委員ニ依リ協定シタリ

前記條約ニ使用セラレタル「島嶼タル屬地及島嶼タル領地」ナル語ハ之ヲ日本國ニ適用スルニ付テハ單ニ韓太（即チ薩哈連島ノ南部）臺灣及澎湖列島並日本國ノ委任統治ノ下ニ在ル諸島ノミヲ包含スルモノトス

本協定ハ前記條約ニ追加トシテ之ト同一ノ效力ヲ有ス

千九百二十一年十二月十三日ノ前記條約中批准ニ關スル第四條ノ規定ハ本協定ニ之ヲ適用ス本協定ハ佛蘭西語及英吉利語ヲ以テ表現シ合衆國政府ノ記録保管所ニ寄託保存セラレ且其ノ正當ナル認證牒本ハ同政府之ヲ他ノ各締約國ニ送付スルモノトス

右證據トシテ前記各全權委員ハ本協定ニ署名ヲ爲シタリ
千九百二十二年二月六日華盛頓市ニ於テ之ヲ作成セリ

（全權委員署名）